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ABSTRACT

According to recent studies, families with children are now the fastest-growing segment of the homeless population: 40 percent of the homeless population consists of members of families. Forty-three percent of homeless children do not attend school, which provides children with a much-needed sense of place and continuity that they otherwise lack in their fragmented lives. Homeless children are deprived of their education in several ways: in some cases state or local "residency" requirements operate specifically to bar children without a fixed residence from attending school; in other cases the means necessary to obtain education--adequate transportation, school and medical records, special education programs, guardianship rules--are lacking. In July 1987 Federal legislation was enacted that for the first time addresses this issue: under the Stewart B. McKinney Homeless Assistance Act state agencies are to ensure that homeless children have access to public education. Under the Act the Department of Education (DOE) was to make funds available to state authorities expeditiously, so that local programs would be operating before December 31, 1987. Contrary to this mandate, DOE has delayed implementation of the program, and has issued guidelines that, in effect, will make homeless children lose a school year. The DOE should rewrite its guidelines to expedite implementation of the program and to make badly-needed aid available. An appendix describes local programs that address the needs of homeless children in the following areas: (1) Salt Lake City, Utah; (2) San Diego, California; (3) Santa Clara, California; (4) State of Connecticut; (5) New York, New York. Another appendix is a reprint of "Subtitle B--Education of Homeless Children and Youth," from the Stewart B. McKinney Homeless Assistance Act. (BJV)

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BROKEN LIVES:

Denial of Education to Homeless Children

ED292897

A Report by The National Coalition for the Homeless

December 1987

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INTRODUCTION

Homelessness among families has reached crisis proportions. According to recent studies, families with children are now the fastest-growing segment of the homeless population: 40% of the homeless population consists of members of families.(1) About 500,000 children are now homeless.

Homelessness deprives families of the basics necessary to human survival: decent shelter and adequate food. It deprives children of an additional basic need: education. According to a 1987 survey of eight cities across the country, 43% of homeless children do not attend school.(2)

Homeless children -- living in shelters, "welfare" hotels, cars, abandoned buildings, or on the streets -- are obviously deprived of any home life. Too often, they are deprived of a school life as well. Yet the need for education in the lives of homeless children cannot be overemphasized. School provides children with a much-needed sense of place and continuity that they otherwise lack in their fragmented lives. And it furnishes a crucial tie to the sheltered world.

Homeless children are deprived of their education in several

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1 Partnership for the Homeless, National Growth in Homelessness: Winter 1987 (1987). See also, The National Coalition for the Homeless, Pushed Out: America's Homeless--Thanksgiving 1987 at iii (1987); United States Conference of Mayors, A Status Report on Homeless Families in America's Cities: A 29 City Survey at 5, 37 (1987).

2 Child Welfare League of America, Study of Homeless Children and Families: Preliminary Findings at 2 (1987).

different ways. In a 1987 survey of 104 shelters nationwide, 34% of the shelters surveyed reported such denial.(3) In some cases, state or local "residency" requirements operate specifically to bar children without a fixed residence -- homeless children-- from attending school. In other cases, education is not denied outright but rather through deprivation of the means necessary to obtain it. And in all cases, the basic point remains: without the stability of a permanent home, any meaningful education is extremely difficult.

Until recently, no national policy existed to address the educational needs of homeless children. Local responses have been uneven at best. Too often, state and local education authorities have reacted with hostility or neglect. In a few cases, local authorities have taken some action to address the problem. In virtually no case has there been an adequate response.

On July 22, 1987, federal legislation was enacted which for the first time specifically addresses this issue. The Stewart B. McKinney Homeless Assistance Act requires that "each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education..."(4) Under the Act, state

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3 The Center for Law and Education, Education Problems of Homeless Children (hereinafter "Education Problems") at 2 (1987).

4 Stewart B. McKinney Homeless Assistance Act ("Act"), Title VII, Subtitle B, Sec. 721 (a), 101 Stat. 526 (1987).

departments of education apply for funds to develop programs "to provide for the education of each homeless child or homeless youth".(5)

In order to make a difference, this program -- administered by the Department of Education -- must be implemented at the federal level quickly and effectively. Federal funds must be made available expeditiously and local compliance monitored aggressively by DOE. Indeed, the Act specifically requires DOE to act with speed. Yet, in violation of this congressional mandate, DOE has acted with unreasonable -- and unjustifiable-- delay in implementing the program.

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5 Act, sec. 722(e) (1).

DENIAL OF ACCESS TO EDUCATION

In the Spring of 1987, 104 shelter providers across the United States were surveyed on the issue of education for homeless children. Of those shelters, 34% reported denial of access to education for their school-age clients.(6)

Grounds for denial were numerous and varied. In some cases, school districts deliberately exclude homeless children from their classrooms. In other cases, denial is caused by ignorance and inflexibility.

In addition to actual denial of access, homeless children--even if they are in school -- are easily overlooked and forgotten. Their short stays interfere with their ability to conduct normal school life. They come in and out of a school and may end up dropping out. Because they lack basic resources -- a place to study and a stable family life -- they may perform below grade level.

Moreover, when faced with such denials, homeless families usually do not have the resources to deal with the complicated and inflexible bureaucracy of most school systems. Mark Santos-Johnson of the Seattle Emergency Housing Service in Seattle, Washington said:

> In our school district, the educated, affluent parent can get a child into almost any school through persistence and understanding the system. The disadvantaged lack this

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6 Education Problems at 2.

coping skill.(7)

In addressing the educational needs of homeless children, the first step must be to remove the barriers that deny these children access to school. Whether denial is caused by ignorance or by intent is irrelevant; the bottom line is that children who desperately need and education are not in school. The barriers to education encountered by most homeless school-aged children--residency requirements, a lack of sufficient transportation, school and health record requirements, and guardianship requirements -- can and must be surmounted.

Residency requirements

Generally, state residency rules require that each child attend school in the school district that he is a "resident" of. When a family becomes homeless, however, the child's residence, and thus his appropriate school district, may become uncertain. In the absence of any general policy, the educational rights of children without a permanent address are at best placed in limbo.

In some cases, restrictive state and local residency requirements are used by school districts to deny homeless children access to education in any school district at all. In such cases, the homeless child is not considered a "resident" of any school district. For example, in Santa Clara, California, the lack of a fixed address prohibits enrollment in any

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7 Id.

school.(8) Similarly, in San Diego, California, shelter residents and employees report that homeless children are routinely discriminated against.(9)

In other cases, local officials have severely restricted homeless children's access to school, effectively denying them access to education. In a particularly blatant example of such discrimination, officials of a New Jersey town recently enforced a municipal ordinance restricting motel stays by homeless families to 30 days in order to keep homeless children out of their school district. Under the ordinance, homeless families--and children -- sheltered by the municipality in hotels were deemed residents of the motel district, but this residency was limited to 30 days. According to Welfare Board officials, the ordinance was enforced specifically to limit school attendance by homeless children.(10) School officials stated at a meeting with homeless parents that paying for the education of children who were not permanent residents was a fiscal burden on the town. They claimed there was no space to accommodate them in the

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8 The Center for Law and Education, the National Coalition for the Homeless, and the National Network of Runaway and Youth Services, Survey on Education Problems of Homeless Families with Children and Runaway Youth (hereinafter "Survey Results"), conducted Spring, 1987.

9 Phone conversation with Barry Del Buono, Emergency Housing Consortium, on September 22, 1987.

10 Vingara et al. v. Borough of Wrightstown, Civil Action No. 87-7545 (S. Ct. N.J. filed Sept. 29, 1987), Complaint at 7--8.

school.(11) This policy was challenged in a lawsuit, Vingara et al. v. Borough of Wrightstown.(12)

More common than such express denials -- where the homeless child is stripped of any residence -- is the de facto denial that occurs because of disagreement over how residency is determined. When homelessness results in a family's physical move from one school district to another, residency may be determined to be in the former or the shelter district. From district to district and state to state, school districts disagree on how this evaluation should be made. For example, Susan Tuller of the South Park Inn in Hartford, Connecticut reported that children could not attend school nearest the shelter since the shelter was not their legal residence.(13) However, Sue Ann Allen of the Seattle Emergency Housing Service reported just the opposite: that residency rules prohibit children from attending school in their former school district.(14)

Because of the lack of a uniform policy in making these determinations, disputes between school districts often mean that as a practical matter, the child is unable to enroll in either district. To date, localized litigation over this area has resulted in case-by-case determinations of residency for homeless

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11 Id., Affidavit of Helen Walker, at 3.

12 Civil Action No. 7545-87 (S. Ct. N.J. filed September 29, 1987).

13 Survey results.

14 Id.

children. For example, in the New York City area, disputes over residency have resulted in lawsuits to determine school district responsibility. The outcome has been case-by-case; as of yet, there is no state policy determining residency for homeless children in New York. In Richards v. Board of Education of Union Free School District Number 4,(15) the court ruled that the Richards children's former school district was obliged to enroll them in school. However, it declined to make an across-the-board statement ensuring all homeless children education in their former school district. In Delgado v. Freeport Public School District,(16) the court ruled that the Delgado children were residents of their shelter district and thus could not attend school in their former school district. Finally, in Mason v. Board of Education, Freeport Union School District,(17) the court ruled that bodily presence established children's residence for attendance purposes.

School districts often prohibit homeless children from attending their schools by asserting that there is no space available. In such cases, persistent advocacy can result in placement. For example, at the CARE Center in New Orleans, Louisiana, a parent was told that her child could not attend the area school as it was too full; however, after a social worker contacted the school board, the child was enrolled almost

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15 No. 11490, N.Y. Dept. of Education (1985).

16 499 N.Y.S.2d 606 (N.Y. Sup. Ct. 1986).

17 No. 2865/87 (N.Y. Sup.Ct. mem. op. April 22, 1987).

immediately in school.(18) Similarly, the Mother Seton House in Virginia Beach, Virginia, reported that it established a simple system to guarantee enrollment: it writes a letter for each student to the local school district.(19)

In the absence of any policy, providers have had to be creative in dealing with restrictive residence requirements. Mike Fabricant of the Elizabeth Coalition for Shelter reported that negotiation with principals, and not residency laws, determines where and if children are placed in school.(20) YMCA-Hestia House in Pasadena, California, initiated a form to ease registration and prove student residence.(21)

Lack of transportation

Another difficulty faced by homeless children is the lack of adequate transportation to school. In the 1987 survey of shelter providers, 15% of the shelters surveyed said that shelter children were unable to obtain transport to school.(22) For example, Interim House in Providence, Rhode Island reported that a lack of transportation out of the shelter area -- the local school was full -- meant that children stayed at home.(23)

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18 Survey results.

19 Survey results.

20 Telephone conversation with Mike Fabricant, Elizabeth Coalition for Shelter, on October 9, 1987.

21 Id.

22 Education Problems at 2.

23 Survey results.

In cases where transportation is available, it is often badly administered and unorganized. In New York City, a lawsuit, McCain v. Koch,(24) established the city's responsibility to fund transportation back to the student's former school district.(25) As a practical matter, however, delays in obtaining city-funded transit passes often result in non-attendance since parents often cannot afford the $2/day per child for public transportation.(26)

In other cases, the inconvenience of long-term, long-distance busing makes school attendance more difficult. In Westchester County, New York, students are transported to their former school district -- sometimes up to 60 miles away.(27) As a result, students must leave the shelter before breakfast is served, waiting until lunchtime to eat.

Lack of records

Twenty-five percent of the shelters in the 1987 survey reported difficulty in registering or actual denial due to lack of records from a previous school district.(28) Many states have laws requiring parents to provide specific immunization records, grade reports, and special evaluation records before

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24 117 A.D. 198 (N.Y. App. Div. 1986).

25 Center for Law and Education, Newsnotes, September 1987, at 7.

26 "For Homeless, Struggle Includes Getting to School," New York Times, April 23, 1987.

27 Id.

28 Education Problems at 2.

children can be registered. The inability to obtain such school records for homeless children can result in lengthy delays in registration or even denial of access.

The very nature of homelessness makes it difficult for parents to acquire and retain these important documents. If a child changes schools frequently, recordkeeping can become a logistical nightmare. Going to the post office to get a money order to get a notarized copy of a birth certificate to take in person to a school is difficult for anyone; for a homeless parent, it may be impossible.

Numerous shelter providers reported delay or denial due to lack of appropriate records. For example, the YMCA Hestia House in Pasadena, California reported that children staying at that shelter were denied access to school because they lacked immunization records.(29) The Holy Family Residence in Albuquerque, New Mexico reported that the lack of a birth certificate as well as medical and school records prohibited parents from registering their children.(30) Similarly, enrollment may be delayed. For example, LIEU-CAP in Venice, California, reported that registration of homeless children can be put off for days because records are unavailable.(31)

Difficulties in obtaining records are even more serious for runaway homeless children and youth, who often do not have

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29 Survey results.

30 Id.

31 Id.

identification documents or the required information to obtain them. The Sand Dollar Runaway Shelter in Houston, Texas, reported that guardians on bad terms with their children often refuse to furnish their necessary documents.(32)

Sometimes persistent advocacy can overcome the logistical problems inherent in obtaining records. Advocates at Hill House in Pasadena, California had to intervene whenever there was a problem obtaining records from a former school. Their repeated advocacy brought an end to records problems.(33)

Special Education Requirements

Some homeless children may require special education to compensate for behavioral or academic problems that may be the direct result of homelessness. Unfortunately, special education services in general are substandard and do not reach enough needy children;(34) for homeless children, the situation is worse. Special education testing processes are lengthy and complicated; homeless children may leave the school district for another district before their needs can even be evaluated. The Morningside Emergency Shelter in Brattleboro, Vermont, reported that special needs testing is sometimes delayed until schools

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32 Id.

33 Survey results.

34 Of the six to eight million children in America in need of mental health care, 50% receive inappropriate care. See Testimony of Leonard Saxe, Ph.D, Director, Center for Applied Social Science, Boston University, Testimony before the Select Committee on Children, Youth and Families, 100th Cong., July 14, 1987.

determine whether the child's stay in the school district is long enough to warrant the expense and the time needed for testing.(35)

The dangers of neglecting a special-needs child cannot be overstated. In cases where needed special education is not provided, children may be penalized by being excluded from the school system as a whole. For example, the Washington County Youth Service Bureau in Montpelier, Vermont reported that the lack of testing for special education needs has sometimes led to the expulsion of special needs children who could not adapt to a normal classroom.(36) Similarly, the Broadview Emergency Shelter in Seattle, Washington, reported that troubled children have been denied schooling altogether because, without special assistance, behavior problems result in suspension or expulsion.(37) In such cases they are denied access not only to direly-needed special programs, to which they are entitled, but to regular schooling as well.

Guardianship requirements

In most states, children must be registered in school by a legal parent or guardian. Yet homelessness -- and an acute shortage of family shelters -- often causes families to break up and separate. Children may stay with family friends or with

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35 Id.

36 Survey results.

37 Telephone conversation with Mark J. Santos-Johnson, Broadview Emergency Shelter, on September 22, 1987.

relatives when their parents become homeless. In these situations, guardianship rules can prevent school registration. For example, the Looking Glass Shelter in Eugene, Oregon, reported that the lack of a legal guardian to register their clients resulted in 10% of all school-age shelter youth being denied access to education.(38)

In some states, a parent's signature is also required to reenroll students who have been suspended or dropped out. If a family is separated or a school is located far from the parents, this requirement can pose significant problems. Sister Maureen Malone of the Shelter of Flint, Michigan, reported that a parent's signature was necessary to re-enroll students who had dropped out or been suspended because of bad attendance records.(39)

When homeless children are estranged from their parents, a different slew of problems manifests itself. For example, the Sand Dollar Runaway Shelter in Houston, Texas reported that guardians sometimes did not cooperate with school officials in obtaining records and thus children were barred from registering.(40) Similarly, Bill Pearce of the Diamond Youth Shelter in San Francisco, California, reported that approximately one youth per month is denied education, mainly because they lack

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38 Id.

39 Id.

40 Id.

a legal guardian to enroll them.(41)

In some cases, particularly stringent guardianship requirements also impose residency requirements on guardians. For example, Judy Donohoe at Anchor House in Trenton, New Jersey, reported that 25 students a year were denied access to education, mostly because of guardianship rules that required guardians not only to enroll students, but also to be from the same district as their charges.(42)

Effective advocacy can sometimes help overcome the barriers that guardianship requirements entail. For example, Caspar Morris of the Peoples Emergency Shelter in Philadelphia, Pennsylvania, reported that initial resistance to the registration of homeless students was overcome through advocacy. His advocacy efforts resulted in a waiver of guardianship requirements that had prohibited a student's enrollment.(43)

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41 Id.

42 Id.

43 Telephone conversation with Caspar Morris, People's Emergency Shelter, on October 6, 1987.

SOLUTIONS

In the absence of any uniform policy to address the educational needs of homeless children, school districts have responded unevenly. As detailed above, in many cases school districts have erected barriers that exclude homeless children. In a few cases, local school districts have been cooperative and have even solicited the assistance of shelter providers in formulating a solution.

This lack of policy means that the ability of homeless children to attend school may depend on the individual relationship of shelter providers with school district officials. For example, according to Barrett House in Albuquerque, New Mexico, maintaining good relations with officials has been the only way to keep children in school.(44) One shelter advocate preferred to remain anonymous, claiming that any mention of his group's fragile relationship with county officials might jeopardize his future efforts.(45) Clearly, it is precarious to rely on the goodwill of individual officials to enroll homeless children. In addition, in the absence of a uniform policy, local solutions been been developed that include schools located in shelters. Appendix A compiles such efforts.

One fact emerges from the confusing tangle of piecemeal

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44 Survey results

45 Telephone conversation, October 6, 1987.

approaches to this problem: increasing numbers of homeless children are not attending school.

The Stewart B. McKinney Act

The Stewart B. McKinney Homeless Assistance Act, signed into law on July 22, 1987, provides comprehensive federal emergency assistance for homeless persons.(46) It specifically addresses the barriers to education of homeless children. The Act establishes for the first time a national, uniform policy for the education of homeless children. In addition, the McKinney Act has made available funds for the development of programs to facilitate enrollment and attendance of homeless children in school. These funds, though limited, should help to provide urgently needed relief.

The Act states that, as a matter of federal policy, homeless children are entitled to a free, appropriate public school education. It states that residency requirements may not be used to deny access to such education to homeless children. It specifically directs states to review their residency laws to ensure that those laws do not create barriers to homeless children.

The Act also creates a specific program to fund the implementation of these requirements. Under this program, states establish a "Coordinator of Education of Homeless Children and Youth" and write plans specifying how the educational needs of

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46 A copy of the relevant provisions is attached as Appendix B.

homeless children will be addressed. The Act requires the plans to address specific barriers faced by homeless children as follows:

1) Residency requirements

The Act states that children will be educated in one of two districts. The Act states that

> the local education agency of each homeless child or youth shall either --
> (A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or
> (B) enroll the child or youth in the school district where the child or youth is actually living;
> whichever is in the child's best interest or the youth's best interest.(47)

By law the student must be placed in either one school district or the other. In the event that school districts should disagree on the child's "best interest," the state will "provide procedures for the resolution of disputes regarding the educational placement . . ."(48)

2) Records

The Act calls for efficient handling of records:

> The school records of each homeless child or youth shall be maintained:
> (A) so that the records are available, in a timely manner, when a child or youth enters a new school district. . .(49)

3) Special Education

Under the Act, homeless children are entitled to special

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47 Act, sec. 722 (e)(3).

48 Id. at sec. 722 (e)(4).

49 Id. at sec. 722 (e)(6).

education programs:

> Each homeless child shall be provided services comparable to services offered to other students in the school, . . . including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency . . . .(50)

4) Guardianship

The Act facilitates placement of homeless children and youth who do not reside with their parents when it stipulates:

> The choice regarding [educational] placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.(51)

In addition to creating a uniform policy to guarantee access to education for homeless children, the McKinney Act also provides funds to states to develop exemplary programs to serve the special needs of homeless children. States may use such funds to formalize coordination, outreach and awareness in their service agencies. All states are encouraged to apply for these funds.(52)

Implementation of the Act

The McKinney Act was enacted with an express congressional finding that homeless persons -- and homeless families in

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50 Id. at sec. 722 (e)(5).

51 Id. at sec. 722 (e)(4).

52 Even small grants can be put to good use. For example, the state of Washington is planning to use its grant to set up a computer system to keep track of health and birth certificates. With this system in place, homeless children will only have to produce these records once per school year.

particular -- face "critically urgent" needs. In accordance with this expression of urgency, Congress set specific deadlines for implementation of certain of the McKinney program -- including the section on education of homeless children. Under the Act, the Department of Education, which administers the program, was to make funds available to state education authorities expeditiously, so that local programs would be in place and operating before December 31, 1987. The Act specifically requires state coordinators to report on the status of their programs by that date.

Contrary to this congressional mandate, DOE has unreasonably delayed implementation of the program. The agency did not issue the simple guidelines needed to implement the program and make the funds available until December 7, 1987. Moreover, under these guidelines, states need not apply for funds until April 30, 1988. With this time table, local programs will not be implemented until summer, at best.

Under the Department of Education's guidelines, homeless children will lose a full school year. The effects of this delay will be irreparable. The Department should rewrite its guidelines to expedite implementation of the program and to make badly-needed aid available.

CONCLUSION

A life of homelessness and poverty is devastating for a child. The stigma of being a social outcast erodes a child's sense of self-worth. For a homeless child, education offers probably the only road out of his seemingly hopeless situation. It offers contact with a stable, sheltered world; it provides examples of strength and courage; it teaches self-worth and initiative. And it provides badly-needed skills.

Of course education cannot solve either the problem of homelessness nor that of poverty. Homeless children who are attending school will continue to face enormous difficulties. These problems will prevent them from leading normal school lives: a lack of a place to study, lack of proper clothing, and a lack of adequate food.

Without a permanent solution to homelessness -- without permanent housing -- these problems cannot be adequately addressed. But until such permanent solutions are provided, the immediate needs of homeless children must be met. Without such an effort, homeless children will become the next generation of dispossessed, uneducated, angry Americans.

APPENDIX A

In a few instances, local shelter providers, with or without the assistance of their local school district, have attempted to address the educational problems of homeless children by establishing schools in shelters. In still fewer cases, local governments have responded with specific plans to address the needs of homeless children.(53) A brief summary of these efforts follows.

Salt Lake City, Utah

Some providers have taken the problem into their own hands by establishing schools for homeless children on the shelter premises. For example, Traveler's Aid's "School With No Name" in Salt Lake City, Utah, was started in 1984 after Priscilla Solarz, Traveler's Aid's Executive Director, approached local school officials. The Salt Lake City school district was receptive to the idea of a separate classroom, as local schools were overcrowded and disrupted by the constant influx of homeless children. Documentation and records problems prevented homeless

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53 There are woefully few examples of cities and states that have devised programs to guarantee and facilitate access to education. In a Center for Law and Education survey of Boards of Education in the 50 states and the District of Columbia, only six reported a homeless school-aged population. Of these six, only two estimated how many homeless children were in their state; of these two, only one -- New York -- reported state or local initiatives to deal with the problem. See Education Problems at 2.

children from being registered. Currently, the school, staffed by one teacher and one aide, provides a full lunch program, tutoring, and counseling. There are no instances of denial of access to education. Individualized teaching relieves the pressure to keep up and conform that may weigh heavily on homeless children who attend regular schools. Attendance is practically ensured by the on-site location.(54)

San Diego, California

A project similar to the Salt Lake City program exists in San Diego, California, at the St. Vincent dePaul Center. In 1985, shelter providers approached city school officials with an idea for an on-site school to be staffed and funded by the city. The school system was cooperative, and a school furnishing three and one-half hours of instruction for students through the 9th grade level was established. When the shelter was threatened with a lawsuit under the church/state separation principle, it was forced to close its on-site location. It has now relocated to a nearby building and, funded by the county, hopes to expand to a full six-hour program serving students through the 12th grade level.(55)

Santa Clara, California

Occasionally school districts have attempted to develop a

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54 Survey results; telephone conversation with Priscilla Solarz, Executive Director, Traveler's Aid, on September 25, 1987.

55 Survey results; telephone conversation with Harvey Mandel, St. Vincent dePaul Center, October 27, 1987.

special program for homeless children, usually in conjunction with shelter providers and operators. Unfortunately, school officials usually take the initiative only when the volume of homeless children is so high in their district that an immediate solution is necessary.

One example is the Santa Clara School District in Santa Clara, California. A district official approached shelter providers at the Emergency Housing Consortium, wanting relief from the burden that homeless students were putting on his school district. The result was a one-room school, staffed by one teacher and one aide, that provides schooling and afterschool programs for as many as 24 children up to the 6th grade level. The school building, part of the shelter, is rented by the school district for $1 per year. Funding is provided by the county.

State of Connecticut

The Connecticut legislature has enacted legislation that requires a child's former school district to pay transportation costs from the shelter to the former school.(56) If the child is enrolled in the shelter district, the former district must reimburse the shelter district for education costs. This law carries a condition to ensure each child speedy placement and registration: when there are disputes between districts, the shelter district must provide education immediately, regardless of whether the former district is willing to provide reimbursement or not. The dispute and its corresponding

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56 Public Act 87-179, July 1, 1987.

financial considerations can be worked out without jeopardizing the child's education.(57)

New York, New York

Perhaps because of the magnitude of the homeless problem in New York State and New York City in particular,(58) attempts have been made on both state and local levels to develop legislation to address the educational needs of homeless children. In the state legislature, a bill was introduced(59) that would allow parents to decide which school -- the former or the shelter area school -- was more appropriate for the family's needs. Under the law, the former school district would pay most education costs, with the state making up the difference. The shelter district would incur only administrative costs. Under the new legislation, the immediate need for education of homeless children would be ensured regardless of disputes between school districts by a stipulation requiring one of the districts to enroll the student and work out the reimbursement later.(60)

Unfortunately, this legislation has not been passed. Officials from school districts flooded with shelter children fear that under the law they will bear the brunt of educating

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57 Telephone conversation with Doris Adams, Director, WACAP Shelter, Danielson, Connecticut, on October 20, 1987.

58 There are more than 10,000 children living in New York City's welfare hotels. See New York Times, July 16, 1987.

59 State of New York Assembly 6925, March 31, 1987.

60 Telephone conversation with Frank Bogardus, General Counsel, Council on Children and Families, State of New York, on September 29, 1987.

most homeless children -- not necessarily a huge economic burden, but a logistical and procedural one. (Currently, under a case-by-case policy, 90% of children are bused to their former school district, which involves the inconvenience and cost of often long-distance transportation.(61))

In the absence of New York state legislation and in response to public pressure, New York City's Office of the Chancellor published a policy regulation establishing that the school system "should be the chief advocate in providing and coordinating services for children residing in temporary housing."(62) The regulation dictated that "instruction is to be continued at the parent's option at a school selected by the parent" in an integrated setting.(63)

After issuing its formal policy statement, the Chancellor's Office developed a complex, comprehensive plan designed to ensure equal access to education for New York City's homeless children. The plan, which involved numerous forms and procedures, consisted largely of data gathering and management programs. A computerized "tracking" system to identify school-aged children in the shelter and hotel system was designed to be used in conjunction with school system registration records to determine whether children had been in the school system before. Field

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61 Center for Law and Education, Survey of Chief State School Officers, conducted Spring, 1987.

62 City School District of the City of New York, Regulation of the Chancellor No. A-780, March 21, 1987, at 1.

63 Id.

Supervisors located at five central Manhattan locations were assigned the tasks of evaluating forms and ascertaining the location and general needs of the children. According to the plan, Family Assistants were then dispatched to the actual hotel or shelter to interview the student's family, try to complete a placement, and arrange for transportation to school. The program was designed to require a scant 48 hours between the receipt of the initial tracking list and the final successful school placement.

The Chancellor's program did not succeed in placing homeless children into school. A combination of the administration's slack commitment to the program and an ossified, complex service bureaucracy left the plan in a shambles. Entrenched fixtures of the service delivery system often ran contrary to the stated aims of the program. The first Ombudsman for this program has resigned and the future of the Chancellor's program is unclear.

The New York Chancellor's program cannot truly function as a model for other programs since the requisite commitment and flexibility necessary for its success were lacking. However, the plan as it appears on paper can serve as a resource for other state or city initiatives -- granted, of course, that the creation of such a plan is the result of a genuine desire to act on the problems of homeless children, and not just a response to criticism.

It is shocking that only one city has produced a comprehensive program to address the educational problems of

homeless children; most certainly, such programs are needed elsewhere. In Washington, D.C., officials claim that no codified program of cooperation between service providers and school officials is necessary, because the problem is in control and allegedly all homeless children are in school.(64) However, as the homelessness crisis continues to intensify, and more families join the ranks of the dispossessed, formalized programs will have to be developed to address the needs of children.

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64 Telephone conversation with Cornell Chappelle, Bureau Chief, Preventative Services, Homeless Families, Office of Emergency Shelter and Support Services, on September 7, 1987.

APPENDIX B

Subtitle B—Education for Homeless Children and Youth

SEC. 721. STATEMENT OF POLICY. 42 USC 11431

It is the policy of the Congress that—

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

SEC. 722. GRANTS FOR STATE ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH. 42 USC 11432

(a) GENERAL AUTHORITY.—The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

(b) ALLOCATION.—From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under section 111

of the Elementary and Secondary Education Act of 1965 (as incorporated by reference in chapter 1 of the Education Consolidation and Improvement Act of 1981) to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000 in any fiscal year.

20 USC 3801 note.

(c) AUTHORIZED ACTIVITIES.—Grants under this section shall be used—

(1) to carry out the policies set forth in section 721 in the State;

(2) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d); and

Office of Coordinator of Education of Homeless Children and Youth, establishment.

(3) to prepare and carry out the State plan described in subsection (e).

(d) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

Schools and colleges.

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children;

(2) develop and carry out the State plan described in subsection (e); and

Reports.

(3) prepare and submit to the Secretary an interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1).

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

(e) STATE PLAN.—

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either—

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained— Records.

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act. 20 USC 1232g.

(f) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.

(2) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

SEC. 723. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED. 42 USC 11433.

(a) GENERAL AUTHORITY.—

(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to meet the educational needs of homeless elementary and secondary school students.

(b) APPLICANTS.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) ELIGIBILITY FOR GRANTS.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 722.

(d) APPLICATION.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought; and

(3) such additional assurances that the Secretary determines are necessary.

(e) DISSEMINATION OF INFORMATION ACTIVITIES.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) APPROPRIATIONS AUTHORIZED.—There is authorized to be appropriated $2,500,000 for fiscal year 1988 to carry out the provisions of this section.

Reports.
42 USC 11434.

SEC. 724. NATIONAL RESPONSIBILITIES.

(a) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall prepare and submit to the Congress not later than June 30, 1988, a report on the number of homeless children and youth in all States.

(b) SECRETARIAL RESPONSIBILITIES.—

(1) The Secretary shall monitor and review compliance with the provisions of this subtitle in accordance with the provisions of the General Education Provisions Act.

(2) The Secretary shall prepare and submit a report to the Congress on the programs and activities authorized by this subtitle at the end of each fiscal year.

(3) The Secretary shall compile and submit a report to the Congress containing the information received from the States pursuant to section 722(d)(3) within 45 days of its receipt.

42 USC 11435.

SEC. 725. DEFINITIONS.

As used in this subtitle—

(1) the term "Secretary" means the Secretary of Education; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle C—Job Training for the Homeless

Employment and unemployment.
42 USC 11441.

SEC. 731. DEMONSTRATION PROGRAM AUTHORIZED.

Grants.

(a) GENERAL AUTHORITY.—The Secretary of Labor shall, from funds appropriated pursuant to section 739, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this subtitle.

(b) CONTRACT AUTHORITY.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this subtitle.

42 USC 11442.

SEC. 732. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

A State shall describe in the comprehensive plan required under section 401 how the State will coordinate projects conducted within